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June 16, 2022

**Via ECF**

The Hon. Analisa Torres, U.S.D.J.  
United States Courthouse  
500 Pearl Street  
Courtroom 15 D  
New York, NY 10007-1312

Re: *IRA Financial Trust Co. v. Gemini Trust Company, LLC*, No. 1:22-cv-04672  
Response to June 15, 2022 Pre-Motion Letter on Proposed Motion to Compel Arbitration

Dear Judge Torres:

We, along with Peter C. Neger of Morgan, Lewis & Bockius LLP, represent Plaintiff IRA Financial Trust Company (“IRAF”) in the above litigation. We write to respond to Gemini Trust Company, LLC’s (“Gemini”) counsel’s June 15, 2022 letter (the “Letter”) requesting a pre-motion conference to seek leave to move to compel arbitration and stay this action pending the outcome of arbitration. IRAF does not oppose Gemini’s request for leave to file a motion to compel arbitration and to stay this action pending the outcome of arbitration. Of course, IRAF reserves all arguments and defenses in response to the motion.

In the Letter, counsel asserts that IRAF failed to disclose the purported contract in the Complaint. There is a simple reason for this: IRAF has no record of having entered into an agreement with Gemini. Counsel claims that the agreement was entered into when IRAF “check[ed] a box” on Gemini’s website, but the Letter does not contain any evidence establishing this. IRAF requests that Gemini include this evidence with its motion. IRAF again reserves all arguments and defenses in response to this evidence and to the alleged agreement.

Finally, counsel accuses IRAF of making “inflammatory allegations” in the Complaint, but then proceeds to spend much of the Letter making inflammatory allegations about IRAF. We do not believe that this correspondence is the appropriate place to address these allegations, so we will not respond, other than to say that we disagree.

We appreciate the Court’s time and attention to this matter.

Sincerely,

/s/ Eric Ostroff  
Eric Ostroff (*pro hac vice*)

cc: Counsel of Record via ECF

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